

**REMARKS**

Applicants have carefully reviewed the Application in light of the Office Action mailed November 28, 2006. At the time of the Office Action, Claims 1-129 were pending in the Application. The Examiner rejects claims 1, 2, 4-7, 9, 17, 18, 20-23, 28, 29, 31, 32, 43-49, 59, 60, 62-65, 70, 73, 74, 85, 86, 88-91, 101, 102, 104-107, 112, 113, 115, 116, and 127-129. The Examiner objects to Claims 3, 8, 10-16, 19, 24-27, 30, 33-42, 50-58, 61, 66-69, 72, 75-84, 87, 92-100, 103, 108-111, 114, and 117-126. Applicants amend Claims 1, 3, 8-9, 12-17, 19, 25-26, 28, 30, 34-35, 37-40, 43, 45, 50-51, 54-59, 61-63, 66-68, 70, 72, 75-77, 79-82, 84-85, 87, 93, 96-101, 103-105, 108-110, 112, 114, 117-119, 121-124, and 127-28 and cancel Claims 11, 53, and 95, without prejudice or disclaimer. Applicants add new Claims 130-132, which are fully supported by the specification of the present Application as originally filed. Applicants' amendments, cancellations, and additions have been done to advance prosecution of the Application and not to overcome the cited reference. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

**Section 102 Rejection**

The Examiner rejects Claims 1, 2, 4-7, 9, 17, 18, 20-23, 28, 29, 31, 32, 43-49, 59, 60, 62-65, 70, 73, 74, 85, 86, 88-91, 101, 102, 104-107, 112, 113, 115, 116, and 127-129 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,819,652 issued to Akhtar et al. ("Akhtar"). Applicants respectfully request reconsideration of this rejection of the above-mentioned claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. §2131.

Applicants amend Claim 1 to include the limitations of canceled Claim 11, amend Claim 43 to include the limitations of canceled Claim 53, and amend Claim 85 to include the limitations of canceled Claim 95. *Akhtar* fails to disclose, teach, or suggest each and every element of Applicants' amended Claim 1, either expressly or inherently. For example, Claim 1 recites "accessing a rule base to validate the priority; . . . negating the priority indicator if determined invalid based on the rule base." Because *Akhtar* fails to teach at least these

limitations, Applicants respectfully submit that *Akhtar* cannot anticipate Claim 1 under 35 U.S.C. §102(e). Thus, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 43 and 85 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, are not disclosed, taught, or suggested, either expressly or inherently, by *Akhtar*. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 43 and 85 together with their dependents.

Applicants respectfully submit that *Akhtar* does not disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 17. For example, *Akhtar* does not disclose “transmitting the priority indicator for delivery to a destination device for indication to a call recipient” as recited in Claim 17. Instead, *Akhtar* discloses “the application in the node . . . may send a call or command to network layer 508 to provide for priority or precedence handling of IP packets containing the control message.” Col. 6, ll. 34-37. Accordingly, *Akhtar* fails to disclose “transmitting the priority indicator . . . for indication to a call recipient.” Because *Akhtar* fails to disclose, teach, or suggest at least this limitation, Applicants respectfully request reconsideration and allowance of independent Claim 17 and its dependents.

Independent Claims 28, 59, 70, 101, 112, and 127 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 17, *Akhtar* does not disclose, teach, or suggest. Claims 28, 59, 70, 101, 112, and 127 are thus allowable for at least these reasons. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 28, 59, 70, 101, 112, and 127 together with their dependents.

#### **Allowable Subject Matter**

Applicants note with appreciation the Examiner’s indication that Claims 3, 8, 10-16, 19, 24-27, 30, 33-42, 50-58, 61, 66-69, 72, 75-84, 87, 92-100, 103, 108-111, 114, and 117-126 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Office Action*, p. 4.

Applicants have incorporated limitations of allowable Claim 11 into Claim 1, limitations of allowable Claim 53 into Claim 43, and limitations of allowable Claim 95 into Claim 85. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1, 43, and 85 along with their dependents.

Applicants have rewritten objected to Claims 3, 8, and 10 as new, independent Claims 130, 131, and 132, respectively. Accordingly, Applicants respectfully request consideration and allowance of Claims 130-132.

With respect to Claims 19, 24-27, 30, 33-42, 61, 66-69, 72, 75-84, 103, 108-111, 114, and 117-126, Applicants believe that independent Claims 17, 28, 59, 70, 101, 112, and 127, from which Claims 19, 24-27, 30, 33-42, 61, 66-69, 72, 75-84, 103, 108-111, 114, and 117-126 depend, are allowable as written. Therefore, Applicants have kept Claims 19, 24-27, 30, 33-42, 61, 66-69, 72, 75-84, 103, 108-111, 114, and 117-126 in their dependent form and respectfully submit that Claims 19, 24-27, 30, 33-42, 61, 66-69, 72, 75-84, 103, 108-111, 114, and 117-126 are allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 19, 24-27, 30, 33-42, 61, 66-69, 72, 75-84, 103, 108-111, 114, and 117-126.

### **New Claims**

Applicants add new Claims 130-132, which are fully supported by the specification of the present Application as originally filed. Claim 130 is objected to Claim 3 rewritten in independent form, Claim 131 is objected to Claim 8 rewritten in independent form, and Claim 132 is objected to Claim 10 rewritten in independent form. *Akhtar* fails to disclose, teach, or suggest the limitations of new Claims 130-132. Accordingly, Applicants respectfully request consideration and allowance of new Claims 130-132.

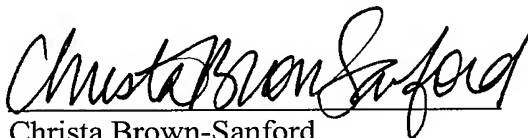
**CONCLUSION**

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

The Commissioner is authorized to charge \$600.00 for additional independent claims to Deposit Account No. 02-0384 of Baker Botts L.L.P. The Commissioner is also authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Christa Brown-Sanford, at (214) 953-6824.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

A handwritten signature in black ink, reading "Christa Brown-Sanford". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Christa Brown-Sanford  
Reg. No. 58,503

Date: January 29, 2007

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